

**LOCAL RULES OF PRACTICE AND PROCEDURE OF
THE MONROE CIRCUIT COURT
SMALL CLAIMS DIVISION**

Table of Rules

Rule		
1.	Scope	SC-2
	A. Scope	
	B. Citation	
2.	Communications with the Court	SC-3
	A. Written Communications	
	B. Case Identification and Duty to Serve	
3.	Scheduling	SC-4
	A. Initial Hearing	
	B. Contested Hearing	
	C. Waiver of Initial Hearings	
4.	Continuances	SC-5
	A. Written Motion for Good Cause	
	B. Timeliness and By Agreement	
5.	Discovery	SC-6
	A. Prior Informal Discovery Required	
	B. Relevant Formal Discovery	
6.	Dismissal of Actions	SC-7
	A. Motion Required	
	B. Dismissals	
7.	Proceedings Supplemental	SC-8
	A. Timing	
	B. Change of Circumstances	
8.	Bankruptcy Stay	SC-9

RULE SC-1

SCOPE

- A. **SCOPE:** These rules shall govern the procedure and practice of the Small Claims Division, Monroe Circuit Court.
- B. **CITATION:** These rules may be cited as "Rule SC-".

RULE SC-2

COMMUNICATIONS WITH THE COURT

- A. **WRITTEN COMMUNICATIONS**: Any matter communicated to the court, outside of the courtroom, must be in writing and signed by the communicating party.
- B. **CASE IDENTIFICATION AND DUTY TO SERVE**: The communication shall contain the cause number of the case. The person filing the communication shall certify in writing that he or she has sent a copy of the communication to all parties.

RULE SC-3

SCHEDULING

A. **INITIAL HEARING:** Upon the filing of a complaint, an initial hearing shall be scheduled by the Clerk of the Court. Parties are not expected to be fully prepared for trial at the initial hearing, but must be prepared to present a prima facie case through direct testimony or affidavit in the event an opposing party fails to appear, in accordance with Indiana Small Claims Rule 10(b). The failure to appear at an initial hearing shall result in a judgment being entered, upon the presentation of a prima facie case by the claimant present. If the plaintiff fails to appear at the time and place specified for the trial, or for any continuance thereof, the Court may dismiss the action without prejudice.

B. **CONTESTED HEARING:** If both parties appear at the initial hearing, the judge shall encourage the parties to resolve their dispute. If the parties are unable to achieve a resolution, they shall inform the judge of the need to schedule a trial and indicate the amount of time needed to present their respective cases.

C. **WAIVER OF INITIAL HEARING:** If the parties know prior to the initial hearing that the matter will be contested, a motion may be filed to vacate the initial hearing and schedule a contested hearing. The motion shall estimate the time needed to present the petitioner's case-in-chief and the time needed to present the case in opposition if that can be reasonably ascertained.

RULE SC-4

CONTINUANCES

A. **WRITTEN MOTION REQUIRED**: Continuances may be granted only upon good cause shown in a written motion signed by the moving party. A copy of motion must be mailed or delivered to the opposing party by the party requesting the continuance.

B. **ADVANCED NOTICE**: A continuance will not be granted within seventy-two (72) hours of the trial unless the opposing party agrees to the continuance or the judge determines a continuance is necessary

RULE SC-5

DISCOVERY

A. **PRIOR INFORMAL DISCOVERY REQUIRED:** The parties must pursue informal discovery prior to petitioning the court for an order compelling discovery.

B **RELEVANT FORMAL DISCOVERY:** Upon a showing that informal discovery has failed and that the discovery requested is relevant and not unduly burdensome, the court may grant an order compelling discovery.

RULE SC-6

DISMISSAL OF ACTIONS

- A. **MOTION REQUIRED:** A claim, counterclaim or cross-claim may be dismissed by filing a written pleading at any time before judgment.
- B. **DISMISSALS:** If a counterclaim or cross-claim has been filed, the dismissal of the original claim will not result in the cancellation of the hearing unless the counterclaim or cross-claim has been dismissed.

RULE SC-7

PROCEEDINGS SUPPLEMENTAL

A. **TIMING:** A prevailing party may file a motion for proceedings supplemental after entry of the judgment in the Clerk's Record of Judgments and Orders. The judgment creditor must be present to enforce a monetary judgment.

B. **CHANGE OF CIRCUMSTANCES:** After a determination by the Court that there is no income or property which may be applied to the judgment, the case will be redocketed for proceeding supplemental only if the judgement creditor can show that income or property has been discovered which may be applied to the judgment.

RULE SC-8

BANKRUPTCY STAY

Any party seeking a stay of the proceedings as a result of a bankruptcy proceeding shall petition the Court, attaching to the petition a copy of the Bankruptcy Cover Petition and the Schedule of Creditors.